Saint Paul Planning Commission City Hall Conference Center 15 Kellogg Boulevard West

Minutes August 22, 2008

A meeting of the Planning Commission of the City of Saint Paul was held Friday, August 22 2008, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Mmes. Donnelly-Cohen, Faricy, Lu, Morton; Smitten, Wencl; and

Present: Messrs. Alton, Barrera, Bellus, Commers, Johnson, Kramer, Nelson, Spaulding,

and Ward.

Commissioners

Absent:

Ms. *Porter, and Messrs. *Goodlow, *Gordon, and *Margulies.

*Excused

Also Present: Larry Soderholm, Planning Administrator; Janice Rettman, Ramsey County

Commission Board, Patricia James, Lucy Thompson, Donna Drummond, Penelope Simison, Josh Williams, Greta Alquist, Emily Goodman, and Sonja

Butler, Department of Planning and Economic Development staff.

I. Approval of minutes August 8, 2008.

<u>MOTION</u>: Commissioner Donnelly-Cohen moved approval of the minutes of August 8, 2008. Commissioner Ward seconded the motion. The motion carried unanimously on a voice vote.

II. Chair's Announcements

Chair Alton announced that on September 16, 2008, at 6:00 p.m. the Planning Commission and staff are invited to the Alton's home for a fall social gathering. An e-mail invitation will follow.

III. Planning Administrator's Announcements

Larry Soderholm reported on planning-related business at the City Council for last week and their agenda for next week.

IV. PUBLIC HEARING: Central Corridor Overlay District: Defining Western, Victoria, and Hamline as Station Areas – Item from the Neighborhood Planning Committee.

(Donna Drummond, 651/266-6556)

Chair Alton announced that the City of Saint Paul Planning Commission is holding a public hearing on the Central Corridor Overlay District: Defining Western, Victoria, and Hamline as Station Areas. Notice of the public hearing was mailed to the citywide Early Notification System list and all affected property owners, and other interested parties.

Donna Drummond, PED staff, started her presentation by stating that the City Council approved the Central Corridor Overlay District in April, 2008, based on a recommendation from the Planning Commission. In June the City Council asked the Planning Commission to consider whether or not three potential additional new stations at Western, Victoria and Hamline should be defined as station areas for purposes of the Zoning Overlay. Currently in the overlay there are requirements that apply to all new development along the corridor. There are more stringent requirements for new development within a ¼ mile of a proposed station location. The subject of the public hearing today is whether or not Western, Victoria and Hamline should be defined as station areas.

The differences between the requirements for new development within a station area and outside a station area relate to minimum building heights, floor area ratio and the allowance of new auto oriented uses. Within a station area new buildings need to be a minimum of two stories in height and new development needs to meet a minimum floor area ratio of 1.0, which means that the square footage of the new building needs to equal or exceed the square footage of the property it's being built on. The other difference is for auto oriented uses within station areas. There is a prohibition on establishing new auto oriented uses in station areas, but existing auto oriented uses can remain and expand. By adding Western, Victoria and Hamline as defined station areas all of the corridor east of Snelling would be considered within ½ mile of a station area, which means all new development east of Snelling would need to be a minimum of two stories, with a floor area ratio of 1.0, and there would be a prohibition on new auto-oriented uses in that area. Ms. Drummond noted that the Metropolitan Council has made the commitment that if any extra money becomes available in the budget through other cost savings, they would consider adding one of these three stations.

Commissioner Ward asked how the decision would be made on which one station would be chosen when funding became available.

Ms. Drummond said that the Met Council would look to the City of Saint Paul and Ramsey County to help make that decision. There are no criteria for that as of yet.

Commissioner Smitten asked if someone wanted to incorporate a public plaza or other open space would it then be more difficult to meet the floor area ratio requirements? Are there exceptions for those things?

Ms. Drummond said that the overlay is written to allow those types of spaces to be included in the floor area ratio calculation as an incentive to add those features.

Several of the Commissioners noted that the City's position is to add all three stations, not just one. Where will the funding for those stations come from? Are there any plans to get funds?

Ms. Drummond said the City has consistently stated that all three stations should be added at some point as funding becomes available. Adding stations does affect both cost for the project and ridership, which are components that go into the federal government's cost effectiveness index (CEI) measure. Unfortunately, it doesn't matter in calculating the CEI what the source of the funds is. The first goal for the Met Council is to get the project to point where it can qualify for the federal funding, which will pay for half the project. Once there is a full funding grant agreement with the federal government, there may be an opportunity to look for other funds to

add these three stations. There is a tremendous desire in the community to add these stations.

Chair Alton read the rules of procedure for the public hearing.

The following people spoke:

- 1. Brian McMahon, University United, 1954 University Avenue, Saint Paul, MN. Mr. McMahon's comments were focused on the Hamline Station Area, and he distributed a Development Opportunities Concept chart. The chart consists of three concepts, which Mr. McMahon referred to throughout his testimony. In closing he said that the critical issue is whether the City will allow development to happen between now and when the Hamline station is built that will undercut our ability at some future point to do it right. The Target store at Hamline will sell off its University Avenue frontage lots in the next year and the developer will either put in what has been seen for the last five years, which is single story buildings, or be required to put in two, three or four story buildings, with lots of housing, jobs and tax base.
- 2. Theresa Heiland, Executive Director of Union Park District Council, 1570 Concordia Avenue, Saint Paul, MN. Ms. Heiland referred to a letter from the Union Park's chair, Scott Banas that was sent to the Planning Commission and staff. The Union Park Council recommends that the three potential stations at Hamline, Victoria and Western be defined as station areas and that the Central Corridor Zoning Overlay requirements that apply to other stations on University apply equally to these stations.
- 3. Vic Rosenthal, Jewish Community Action, 2375 University Avenue, Saint Paul, MN. Mr. Rosenthal said the community is lacking trust that the Met Council and others are actually going to build these three stations. There is a lot of tension in the community as to whether this is ever going to happen. Having the Planning Commission endorse the addition of these three intersections to the zoning overlay will send a message to the community that one more governmental body in the city of Saint Paul is on record, together with the City Council and the Ramsey County Board, in saying that we believe the stations are inevitable and we are going to do everything we can to make this happen. Mr. Rosenthal urged adoption of this overlay.

<u>MOTION</u>: Commissioner Wencl moved to close the public hearing, and leave the record open for written testimony submitted by 4:30 p.m. on Friday, August 22, 2008, and to refer the matter back to the Neighborhood Planning Committee for review and recommendation. Commissioner Ward seconded the motion. The motion carried unanimously on a voice vote.

V. Zoning Committee

NEW BUSINESS

#08-107-826 Stephen Law – Establishment of legal nonconforming use status as a duplex. 451 Jayne Street between Conway and Wilson. (*Patricia James*, 651/266-6639)

Commissioner Bellus asked for clarification of whether there are nonconforming duplexes in the area, and the starting point for the 10 years existence of the illegal unit.

Patricia James said that the other duplexes in the area are legally nonconforming duplexes. She also said there was written testimony from a person who was with Stephen Law when he purchased the property in 1997, and this person stated that there was a unit with a kitchen in the basement. So there is conflicting evidence between what is on the Truth in Sale of Housing report and what this person said that she saw when the property was purchased. Technically the 10 years of existence would start in 1998.

Commissioner Bellus said that the main issue is the owner bought it as a single family residence, and it was identified as that at the time of the purchase, and then subsequently converted it illegally.

Ms. James stated that the person who bought the house claims that when he looked at the house it was a duplex, he was told by the realtor it was duplex, but the Truth in Sale of Housing inspection said that it was a single family and Ramsey County has classified it as single family

Commissioner Bellus said that if it has been taxed as a single family residence, property taxes have not been paid as a duplex. And he has owned this property for 10 years or more.

Ms. James said was correct. The person who bought the house says that when he looked at the house it was a duplex and he was told by the realtor it was duplex. But the Truth in Sale of Housing inspection said that it was single family and Ramsey County has classified it as single family.

Commissioner Morton said that she voted against this at the Zoning Committee because they do not have proof that this has been a duplex continuously for ten years, and this condition cannot be modified. She noted that the research by DSI staff concluded that the building may have been converted in 2004, and the 1997 Truth in Sale of Housing inspection lists it as a single family residence.

More discussion followed.

MOTION TO APPROVE: Commissioner Morton moved the Zoning Committee's recommendation to approve the legal nonconforming use status. The motion failed on voice vote of 1-14 (Alton, Barrera, Bellus, Donnelly-Cohen, Faricy, Johnson, Kramer, Lu, Morton; Smitten, Nelson, Spaulding, Ward. and Wencl).

The Chair Alton clarified that the vote was not affirmatively to deny, but that the Commission failed to pass the motion to approve. Under Section 15.99 on zoning deadlines and procedures, if the staff recommendation is to approve and the commission votes in opposition to it, then members are required individually to state on the record their reasons for voting against it. Accordingly, the Chair would like each member to state his or her reasons for voting in opposition to the recommendation for approval.

Commissioner Bellus said that his major reason was that he cannot find economic hardship; in fact, there has been economic gain because the property has been taxed as a single family house, not as a duplex. He also did not think the 10-year continuous use has been proven factually.

Commissioner Smitten said her reason was lack of 10-year information.

Commissioner Kramer said he voted in opposition because of incomplete information on the 10-year time period and lack of available information to make an evaluation on the economic hardship.

Commissioner Lu stated her reasons were the same as those of Commissioner Bellus.

Commissioner Ward stated his reasons were the same as those of Commissioner Bellus.

Commissioner Spaulding stated his reasons were the same as those of Commissioner Bellus.

Commissioner Barrera stated his reasons were the same as those of Commissioner Bellus.

Commissioner Johnson stated his reasons were the same as those of Commissioner Bellus.

Commissioner Faricy said her reason was lack of the 10-year information.

Commissioner Nelson stated his reasons were the same as those of Commissioner Bellus and also a lack of evidence, other then a statement by the property owner, that there are more than 1800 square feet of living area. Usually applicants give the Planning Commission floor plans with dimensions.

Commissioner Morton said her reason is lack of 10-year information.

Commissioner Donnelly-Cohen stated her reasons were the same as those of Commissioners Bellus and Kramer.

Commissioner Wencl stated her reasons were the same as those of Commissioner Bellus.

MOTION TO LAY OVER: Commissioner Kramer moved to delay the Planning Commission's decision for two weeks, extend the deadline for the additional 60 days, and contact the applicant asking if he is willing to waive his rights under section 15.99 to extend the deadline for another 60-90 days, giving him time to receive additional information from the IRS on his taxes, and bring that information back to the Zoning Committee. If the applicant refuses, this case would come back to the Planning Commission in two weeks for a final decision. Commissioner Wencl seconded the motion

<u>ROLL CALL VOTE</u>: The motion failed on a vote of 7-8 (Barrera, Bellus, Donnelly-Cohen, Faricy, Lu, Morton, Nelson, Spaulding).

<u>MOTION TO DENY</u>: Commissioner Bellus moved to deny the application, based on lack of findings of economic hardship and lack of findings relative to meeting the 10-year continuous occupancy rule. Commissioner Morton seconded the motion.

Chair Alton called for a roll call vote, requesting that the Commissioners voting in favor of the motion must state their reasons.

<u>ROLL CALL VOTE</u>: The motion to deny carried on a vote of 9-6 (Alton, Commers, Faricy, Kramer, Smitten, Ward). The reasons given were the same as those recorded above.

VI. Comprehensive Planning Committee

<u>Land Use Plan</u> – Recommendation to release draft plan for public review and set public hearing date on October 17, 2008. (*Penny Simison*, 651-266-6554)

<u>MOTION</u>: Commissioner Donnelly-Cohen moved the Comprehensive Planning Committee's recommendation to release the draft for public review and set a public hearing for October 17, 2008. The motion carried unanimously on a voice vote.

Commissioner Nelson suggested a minor wording change. Where the document refers to LEED standards for green buildings, it should be made generic by referring to "environmental sustainability guidelines." The City's policies should not give preference to one particular set of green standards.

VII. Neighborhood Planning Committee

<u>District del Sol Commercial Corridors</u> – Request to initiate a zoning study. (*Lucy Thompson*, 651/266-6578)

Ms. Thompson, PED staff said she had received a letter of request from the three key community organizations on the West Side--the West Side Citizens Organization, Neighborhood Development Alliance, and the Riverview Economic Development Association--asking that a zoning study be initiated for the District del Sol commercial corridors. Staff has recommended to the Neighborhood Planning Committee that the zoning study be initiated and there is a resolution to that effect in the packet. Ms. Thompson showed the proposed zoning study boundaries on the overhead projector. She stated that the boundaries show the study area; it is very unlikely that all of the parcels in the study area will be rezoned.

Chair Alton said that resolution shouldn't appear to pre-determine the outcome of the zoning study. He suggested deleting some wording in the fourth "whereas" clause on the first page of the resolution, specifically the words, "most of the parcels along the commercial corridors from B2 Community Business and B3 General Business to TN2 Traditional Neighborhood".

<u>MOTION</u>: Commissioner Wencl moved the Neighborhood Planning Committee's recommendation to approve the initiation of the Zoning Study with the deletion suggested by Chair Alton. The motion carried unanimously on a voice vote.

<u>Central Corridor LRT Station Area Plans for University Avenue</u> – Approval of resolution recommending adoption as addenda to the *Central Corridor Development Strategy*, which is a chapter of the Comprehensive Plan. (*Donna Drummond*, 651/266-6556)

Lucy Thompson, PED staff, said that staff very carefully went through all the public hearing comments that were received at the July 11th and July 25th hearings on the seven station area plans. The memo from the Committee contains the suggested responses and in most cases the committee agreed with staff. There was some rewording of some language and the Committee is recommending, with minor amendments, that the seven station area plans be forwarded to the Mayor and City Council for approval. They would then be adopted as amendments to Central Corridor Development Strategy.

<u>MOTION</u>: Commissioner Wencl moved the Neighborhood Planning Committee's recommendation to approve the resolution to adopt as addenda to the Central Corridor Development Strategy. The motion carried unanimously on a voice vote.

VIII.	Communications Committee	
	Commissioner Smitten had no report.	
IX.	Task Force Reports	
	None	
Χ.	Old Business	
	None	
XI.	New Business	
	None	
XII.	Adjournment	
	Meeting adjourned at 10:13 a.m.	
Sonja l Planni	ded and prepared by Butler, Planning Commission Secretary ng and Economic Development Department, f Saint Paul	
Respectfully submitted,		Approved
		(Date)
	Soderholm, AICP ng Administrator	Marilyn Porter Secretary of the Planning Commission

Butler\Fleming\August 22, 2008